

MR. SPEAKER : You can come to me and I will tell you.

(Interruptions)

SHRI C.T. DHANDAPANI : We are particular about the present Deputy-Speaker who had sent his resignation letter.

(Interruptions)

MR. SPEAKER : You can come to my office at any time. There is no problem. The office is yours ; the Speaker is yours and the papers are here.

(Interruptions)

MR. SPEAKER : I will do whatever is necessary according to the rules.

AN HON. MEMBER : I am on a point of clarification.

MR. SPEAKER : No Clarification ; not allowed.

(Interruptions)* *

अध्यक्ष महोदय : मैंने बता दिया । मैंने कल कह दिया कि मीटिंग दोबारा कर रहा हूँ ।

श्री रामविलास पासवान (हाजीपुर) : आपने कल कहा कि सभी मेम्बर्स आफ पार्लियामेंट आ रहे हैं । आपके 12 गेटों में से जो एम पीज के पांच गेट हैं वहां मेटल डिटेक्टर रखा है । दूसरे गेट पर नहीं है... (व्यवधान)

अध्यक्ष महोदय : आप आएं तो मैं बता दूंगा । जब मैंने एक बात कह दी तो आप समझते क्यों नहीं ? जो मैं कहता हूँ हाउस में I am bound by that. मुझे आपकी सेवा करनी है । जब हाउस ने ऐसा कह दिया तो ऐसा कर दूंगा । हाउस कह देगा कि हटा दो तो हटा दूंगा । जब मैंने कह दिया तो सारे बैठ कर के फैसला क्यों नहीं

करते हो ? जो हाउस कहेगा वही होगा हाउस ही फैसला करेगा ।

The House is Supreme.

... (व्यवधान) ...

अध्यक्ष महोदय : अब बैठिए आप ।

... (व्यवधान) ...

PROF. K.K. TEWARY : They are unnecessarily raising this issue.

श्री हरिकेश बहादुर : वह क्यों खड़े हो रहे हैं ? क्या कोई डिस्टर्बिंग क्वेश्चन आ गया ?

अध्यक्ष महोदय : वह आप से प्रेरणा ले रहे हैं ।

ORAL ANSWERS TO QUESTIONS

Pending Cases in Supreme Court and High Courts and Vacancies of Judges in Supreme Court and High Courts

*21. SHRI MANOHAR LAL SAINI : Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to lay a statement showing :

(a) how many cases are pending in the Supreme Court and the High Courts and since when and how many of them are on account of stay orders granted by the courts ;

(b) what steps are proposed to be taken to clear the backlog speedily and by when is the same expected to be wiped off ; and

(c) what are the details of the vacancies in the Supreme Court and High Courts in respect of Judges together with details of the steps taken to fill up the same ?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI

JAGAN NATH KAUSHAL) : (a) Statements I, II and III containing information as furnished by the Registries of the Supreme Court and the High Courts are placed on the Table of the House.

(b) Statement IV indicating steps taken to reduce pendency is placed on the Table of the House. It is not possible to specify the time by which pendency can be wiped out.

(c) As on 23-7-83 there was one vacancy

in the Supreme Court and 78 vacancies in the High Courts.

The details of the vacancies in the High Courts are given in Statement V, which is placed on the Table of the House. Some proposals have been received from the State authorities and they are engaging the attention of the Government. In other cases, proposals are awaited from the States for which they are being constantly reminded.

Statement-I

Number of Cases Pending in Supreme Court and High Courts

| | | Number of cases pending (As on 31-12-82) | | |
|---------------|--------------------|---|----------------------|---------|
| | | Regular Hearing Matters | Admission matters | Total |
| Supreme Court | | 33,949 | 29,092 | 63,041£ |
| High Courts | | Number of cases pending (As on 30-6-82) | | |
| 1. | Allahabad | 1,85,962 | | |
| 2. | Andhra Pradesh | 65,700 | | |
| 3. | Bombay | 73,742 | | |
| 4. | Calcutta | 95,663 | | |
| 5. | Delhi | 45,412 | | |
| 6. | Gauhati | 11,614 | | |
| 7. | Gujarat | 26,661 | | |
| 8. | Himachal Pradesh | 8,139 | | |
| 9. | Jammu and Kashmir | 15,193 | | |
| 10. | Karnataka | 1,10,701 | | |
| 11. | Kerala | 39,764 | | |
| 12. | Madhya Pradesh | 40,652 | | |
| 13. | Madras | 81,528 | | |
| 14. | Orissa | 13,306 | | |
| 15. | Patna* | 46,896 | | |
| 16. | Punjab and Haryana | 35,682 | | |
| 17. | Rajasthan | 36,102 | | |
| 18. | Sikkim | 101 | | |
| TOTAL | | 9,37,818 | | |

£In addition, 52233 Miscellaneous Civil and Criminal petitions were also pending as on 31-12-82 in the Supreme Court.

*Main Cases only.

Statement-II

*Yearwise break up of Regular Hearing Matters pending in the
Supreme Court as on 31-12-1982*

| Year | Non-Constitutional Matters | Constitutional Matters | Total |
|--------------|-------------------------------|---------------------------|---------------|
| 1968 | 7 | — | 7 |
| 1969 | 26 | — | 26 |
| 1970 | 333 | 4 | 337 |
| 1971 | 663 | 15 | 678 |
| 1972 | 877 | 86 | 963 |
| 1973 | 745 | 154 | 899 |
| 1974 | 886 | 76 | 962 |
| 1975 | 912 | 45 | 957 |
| 1976 | 1,086 | 130 | 1,216 |
| 1977 | 2,211 | 203 | 2,414 |
| 1978 | 1,348 | 1,117 | 2,465 |
| 1979 | 2,845 | 419 | 3,264 |
| 1980 | 3,106 | 826 | 3,932 |
| 1981 | 3,456 | 2,442 | 5,898 |
| 1982 | 4,330 | 5,601 | 9,931 |
| TOTAL | 22,831 | 11,118 | 33,949 |

Statement-III

Cases Pending as on 30-6-1982 in High Courts in Terms of Period of Pendency

| Name of the High Court | 1—2 years | 2—3 years | 3—4 years | 4—5 years | 5—6 years | 6—7 years | 7—8 years | 8—9 years | 9—10 years | Over 10 years | Total | |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|---------------|-------|----------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 1. Allahabad | 44,906 | 53,201 | 27,746 | 18,233 | 13,764 | 9,519 | 7,136 | 4,385 | 3,335 | 1,623 | 2,114 | 1,85,962 |
| 2. Andhra Pradesh | 33,429 | 17,842 | 8,307 | 4,092 | 1,394 | 477 | 156 | 1 | — | — | 2 | 65,700 |
| 3. Bombay | 12,706 | 18,745 | 16,086 | 9,810 | 6,480 | 5,103 | 3,728 | 2,404 | 1,449 | 971 | 1,260 | 78,742 |
| 4. Calcutta | 19,774 | 14,338 | 15,221 | 12,364 | 8,193 | 4,417 | 3,016 | 4,091 | 3,248 | 1,314 | 7,561 | 93,537 |
| 5. Delhi | 14,115 | 10,299 | 4,871 | 3,885 | 2,648 | 2,156 | 1,711 | 1,439 | 1,109 | 906 | 2,273 | 45,412 |
| 6. Gauhati | 3,386 | 2,946 | 1,479 | 988 | 788 | 594 | 489 | 433 | 198 | 197 | 116 | 11,614 |
| 7. Gujarat | 12,313 | 5,821 | 3,741 | 2,630 | 1,194 | 550 | 324 | 48 | 17 | 3 | 20 | 26,661 |
| 8. Himachal Pradesh | 2,023 | 1,869 | 582 | 732 | 1,151 | 663 | 312 | 290 | 190 | 118 | 209 | 8,139 |
| 9. Jammu and Kashmir | 6,047 | 4,439 | 1,884 | 1,141 | 702 | 381 | 237 | 176 | 85 | 58 | 43 | 15,193 |
| 10. Karnataka | 43,837 | 25,055 | 14,405 | 11,654 | 6,898 | 5,208 | 1,615 | 835 | 530 | 19 | 19 | 1,10,075 |
| 11. Kerala | 12,792 | 15,753 | 6,868 | 2,735 | 1,175 | 438 | 1 | 1 | 1 | — | — | 39,764 |
| 12. Madhya Pradesh | 5,499 | 8,386 | 3,509 | 2,451 | 2,018 | 1,688 | 1,083 | 831 | 716 | 363 | 418 | 26,872 |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|------------------------|----------|----------|----------|--------|--------|--------|--------|--------|--------|--------|-------|--------|-----------|
| 13. Madras | 49,780 | 12,977 | 9,655 | 5,701 | 2,722 | 637 | 36 | 16 | — | — | 2 | 2 | 81,528 |
| 14. Orissa | 3,603 | 3,698 | 2,554 | 1,531 | 868 | 369 | 184 | 141 | 111 | 111 | 118 | 129 | 13,306 |
| 15. Patna | 11,474 | 9,702 | 8,221 | 5,540 | 4,135 | 2,417 | 1,387 | 817 | 630 | 630 | 409 | 2,164 | 46,896 |
| 16. Punjab and Haryana | 9,637 | 6,813 | 5,153 | 3,197 | 2,312 | 1,723 | 2,225 | 2,026 | 1,616 | 1,616 | 733 | 247 | 35,682 |
| 17. Rajasthan | 4,213 | 5,491 | 4,500 | 3,458 | 2,741 | 1,745 | 1,793 | 1,237 | 1,220 | 1,220 | 611 | 571 | 27,580 |
| 18. Sikkim | 94 | 5 | 2 | — | — | — | — | — | — | — | — | — | 101 |
| TOTAL : | 2,89,538 | 2,17,380 | 1,34,784 | 90,142 | 59,183 | 38,085 | 25,433 | 19,171 | 14,455 | 14,455 | 7,445 | 17,148 | 9,12,764* |

*These figures include Main cases pending in Calcutta, Karnataka, Madhya Pradesh, Patna and Rajasthan High Courts, and the Main as well as Miscellaneous cases pending in other High Courts, as per reports received from them.

Statement-IV

Steps taken from time to time to Reduce Pendency

The following steps have been taken in recent years to reduce pendency in High Courts and Supreme Court :

- (1) The Code of Civil Procedure was amended in 1976 to abolish Letters Patent Appeals from Judgement of Single Judge of the High Court in second appeal (vide Section 100A).
- (2) The Code of Criminal Procedure based on the recommendations of the Law Commission was enacted in 1973.
- (3) The Judge strength of the Supreme Court has been raised from 13 to 17 excluding the Chief Justice with effect from 31-12-77 by amending the Supreme Court (Number of Judges) Act, 1956.
- (4) The sanctioned strength of the High Court Judges has been increased from time to time.
- (5) The Supreme Court rules have been amended to vest more powers in the Registrars and Judges in Chambers so that the time of the court is not wasted in petty miscellaneous matters.
- (6) The Supreme Court has also taken the following measures :
 - (i) Priority is given to certain matters.
 - (ii) Miscellaneous matters are fixed daily.
 - (iii) Writ petitions with identical questions are grouped together and batches running from 50 to 100 matters are listed together for hearing.
 - (iv) Other matters involving identical questions are also identified from time to time and put together and efforts are made to see that such groups are disposed of early.
- (v) The Supreme Court Rules were revised in 1966 providing for printing of records under its own Supervision. As that was also taking quite some time the court of late has started wherever possible dispensing with the preparation of records and hearing the appeals on special leave paper-book itself after the parties have filed their counter-affidavits and affidavits in reply.
- (7) Apart from the above certain High Courts are taking the following steps for ensuring better disposals of cases :
 - (a) Cases involving common questions are being grouped by several High Courts.
 - (b) Matters fixed for hearing by giving short returnable date.
 - (c) Dispensing with printing of records.
 - (d) Expediting and giving priority to matters under certain Acts.
- (8) The Government have also addressed the Chief Ministers of States and Chief Justices of High Courts in which there is a heavy pendency of civil cases over 5 years' old to consider appointment of retired judges under Article 224A of the Constitution.
- (9) The recommendations contained in the 79th report of the Law Commission have been examined. As action on majority of the recommendations is to be taken by the State Governments and High Courts, these have been sent to them alongwith the views of the Union Government and they have been requested to take necessary action.
- (10) The Government have also appointed Law Commission (10th Law Commission) to keep under review the system of judicial administration in the country. Among the terms of reference of the Law Commission are :
 - (a) To keep under review the system

of judicial administration to ensure that it is responsive to the reasonable demands of the times and in particular to secure :

- (i) elimination of delays, speedy clearance of arrears and reduction of costs so as to secure quick and economical disposal of cases without affecting the cardinal principle that decisions should be just and fair ;
- (ii) simplification of procedure to reduce and eliminate technicalities and devices for delay so that it operates not as an

end in itself but as a mean of achieving justice ; and

- (iii) improvement of standards of all concerned with the administration of justice.
- (b) To revise the Central Acts of general importance so as to simplify them and to remove anomalies, ambiguities and inequities.
- (c) To recommend to the Government measures for bringing the statute book up-to-date by repealing obsolete laws and enactments or parts thereof which have outlived their utility.

Statement-V

Statement showing vacancy in Supreme Court and High Courts as on 23.7.1983

Name of the Court

Vacancy

Supreme Court

1

High Court

Permanent
Judge

Additional
Judge

Total

Allahabad

2

10

12

Andhra Pradesh

3

2

5

Bombay

1

2

3

Calcutta

12

—

12

Delhi

—

6

6

Gauhati

1

—

1

Gujarat

1

1

2

Himachal Pradesh

1

—

1

Jammu and Kashmir

2

2

4

Karnataka

1

1

2

Kerala

1

3

4

Madhya Pradesh

2

8

10

Madras

3

—

3

Orissa

2

1

3

Patna

4

—

4

Punjab and Haryana

1

1

2

Rajasthan

3

—

3

Sikkim

1

—

1

41

37

78

श्री मनोहर लाल सैनी : अध्यक्ष जी, सभा पटल पर जो सूचना रखी गई है उससे पता चलता है कि 9 लाख से ऊपर केसेज हाई कोर्ट्स में पेंडिंग हैं और 63 हजार केसेज के करीब सुप्रीम कोर्ट में पेंडिंग हैं। इसके अलावा पेटिशनस भी हैं। क्या सरकार इन पेंडिंग केसेज को निपटाने के लिए संविधान के आर्टिकल 127, 128, 224 और 224 (ए) में जो प्राविजन्स हैं एडीशनल अजेज के लिए, रेटायर्ड जजेज की सर्विसेज अवेल करने के लिए, इन पेंडिंग केसेज को निपटाने के लिए उनकी सर्विसेज लेगी और हाई कोर्ट्स में एडीशनल जजेज एप्वाइन्ट करेगी? क्या सरकार हाउस को यह भी एश्योर करेगी कि दो साल में पेंडिंग केसेज समाप्त हो जायेंगे?

श्री जगन्नाथ कौशल : माननीय सदस्य शायद एडीशनल जजेज और एडहाक जजेज में अन्तर नहीं देख रहे हैं। एडीशनल जजेज को एप्वाइन्ट किया जा रहा है। जहां तक एडहाक जजेज के एप्वाइन्टमेंट का ताल्लुक है, हमने सभी चीफ जस्टिसेज और स्टेट एथारिटीज को लिख दिया है कि जो जजेज रिटायर हो रहे हैं, उनकी राय में अगर उनका डिस्पोजल ठीक रहा है तो हमारे पास प्रपोजल भेजें, हम एडहाक जजेज एप्वाइन्ट करने के लिये तैयार हैं। पिछले सालों में कुछ एडहाक जजेज एप्वाइन्ट हुए भी हैं।

जहां तक यह आश्वासन देने की बात है कि जो पेन्डेन्सी है, जो एरियर्स हैं वह दो साल में खत्म हो जायेंगे, यह कहना किसी के लिए भी सम्भव नहीं है।

श्री मनोहर लाल सैनी : जहां तक जजेज की वेकैन्सीज का सवाल है, 78 वेकैन्सीज होईकोर्ट्स में है और एक सुप्रीम कोर्ट में है और दूसरी तरफ एरियर बढ़ता जा रहा है। अगर पिछले दस साल का रिकार्ड देखा जाए तो एरियर्स बड़ी तेजी से बढ़ रहे हैं। एक तरफ तो एरियर्स बढ़ रहे हैं और दूसरी तरफ जजेज के एप्वाइन्टमेंट्स नहीं हो रहे हैं। तो जो 78 वेकैन्सीज हाईकोर्ट्स में हैं और एक

वेकैन्सी सुप्रीम कोर्ट में है उनको सरकार कब तक फिलअप कर देगी? क्या सरकार यह समझती है कि जजेज एप्वाइन्ट होने लायक लोग हिन्दुस्तान में नहीं रह गये हैं और उसके कारण यह डिले हो रही है? कब तक सरकार इनको इप्वाइन्ट कर देगी?

श्री जगन्नाथ कौशल : 1982 में हमने 37 फ्रेश एप्वाइन्टमेंट्स किये हैं और 1983 में 27 फ्रेश एप्वाइन्टमेंट्स किये हैं। यह एक कंटिन्युअस प्रोसेस है। जजेज रिटायर होते रहे हैं इसलिए वेकैन्सीज भी बढ़ती रही हैं। मैं रिटायरमेंट की फीगर्स दू तो आप समझेंगे कि एप्वाइन्टमेंट्स में बहुत ज्यादा देरी नहीं हो रही है। 1980 में 27 जजेज रिटायर हुये, 1981 में 18 जजेज रिटायर हुये, 1982 में 27 जजेज रिटायर हुये और 1983 में अब तक 14 जजेज रिटायर हुये हैं। इसका मतलब यह है कि पिछले चार सालों में 86 जजेज रिटायर हो गये और एप्वाइन्टमेंट्स, जैसा मैंने कहा, इस साल 27 की हैं, 1982 में 37 की थीं, 1981 में 33 की थीं, सिर्फ 1980 में कम एप्वाइन्टमेंट्स हुई थीं, उस वक्त सिर्फ 2 एप्वाइन्टमेंट्स हुई थीं। तो एप्वाइन्टमेंट्स 99 हुई हैं और रिटायरमेंट 86 हुए हैं। इस तरह से यह एक कंटिन्युअस प्रोसेस है और जैसा कि मैंने अपने जवाब में बतलाया है, स्टेट्स से हमारे पास कुछ प्रपोजल्स आई हुई हैं जिनको हम एग्जामिन कर रहे हैं। वह प्रपोजल पाइप-लाइन में है और जल्दी से जल्दी जितने प्रपोजल्स फाइनेलाइज होंगे, एप्वाइन्टमेंट्स कर दिये जायेंगे।

SHRI P. NAMGYAL : Mr. Speaker, Sir, I would like to know the reaction of the Government to the recent statement of the Chief Minister of Jammu and Kashmir, that the Central Government has no authority to transfer the Chief Justice of Jammu and Kashmir. I would like the Minister to clarify the position from the Government side. (Interruptions)

MR. SPEAKER : The question does not arise.

PROF. K.K. TEWARY : It is an important issue. I think, the Law Minister should utilise this opportunity to clarify the Government's stand.

SHRI P. NAMGYAL : This is very much relevant.

SHRI N.K. SHEJWALKAR : I know that the hon. Minister appreciates the seriousness of the problem. The question of number of pending cases as well as the number of vacancies has been raised quite a number of times and the same reply has always been given. It is good that this time they have indicated the steps that have been taken. But I am sorry to say that the reply is not satisfactory at all. For example, lot of retirement is taking place. And that is not a new thing. Everybody knows when a judge is going to retire. Why is it that action is not taken right at the moment when the judge is to retire? Why calculation is not being done like that? It is said in the statement that a certain strength of judges has been sanctioned. Take the case of Madhya Pradesh. 8 additional judges are provided and the number of vacancies is 10. What is the use of providing 8 additional judges when you are not appointing any of them? This is a serious matter. Will the hon. Minister consider constituting a committee to examine all these matters? There are 10 years old cases pending in the Supreme Court and the arrears are mounting. Is the hon. Minister ready to constitute a committee for this purpose and take a considered view of the Committee in disposing of arrears and in filling up the vacancies?

SHRI JAGANNATH KAUSHAL : I am afraid, I am not prepared to appoint any Committee for the purpose for which my hon. friend wants. This matter has been examined by various committees at various times. Whatever suggestions come from the committees, they are given due consideration. I can assure the hon. Member that we are trying to clear the backlog as soon as possible.

SHRI R.R. BHOLE : This is a question relating to cases which are pending in the Supreme Court and the High Courts. I would like to ask the hon. Minister as to

how many cases are pending in the Supreme Court as well as in different High Courts on account of the fact that the judgments are not delivered after hearing the cases?

SHRI JAGANNATA KAUSHAL : My hon. friend knows better than anybody else. He has been a judge himself.

MR. SPEAKER : That is why, he is asking a supplementary.

SHRI JAGANNATH KAUSHAL : There are some hon. judges who do take more time in giving the judgments. But that is not the reason for the pendency of the cases.

Survey by Doordarshan of viewers Reactions

*22. **SHRI K.T. KOSALRAM :** Will the Minister of INFORMATION AND BROADCASTING be pleased to lay a statement showing :

(a) whether Doordarshan has recently gone through an audience research survey conducted in small and big cities to gauge the viewers' reactions; and

(b) if so, the broad details thereof; and

(c) the action proposed to be taken on the results of the survey?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING AND MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI H.K.L. BHAGAT) : (a) to (c). A statement is laid on the Table of the House.

Statement

A random sample survey covering 5085 TV households in 10 big, medium and small towns was conducted by Doordarshan in May, 1983 to gauge viewers' reactions to the National Programme. The towns covered were Delhi, Bombay, Calcutta, Madras, Kanpur, Batala, Srinagar, Kakinada, Bhubaneswar and Patna. The broad findings of the survey can be summarised as under :

(i) Entertainment programmes in the